

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

SHERMAN L. BRIGHT

v.

**THE CITY OF PHILADELPHIA,
ET AL.**

:
:
:
:
:
:

CIVIL ACTION NO. 16-5304

MEMORANDUM

This is a civil rights action in which there is strong evidence that Plaintiff Sherman Bright was improperly held in custody in Delaware County Pennsylvania for a period of 12 days without legal cause. From the outset of the case, counsel for Plaintiff has had difficulty in conducting discovery in a way that would identify parties who might bear responsibility for Plaintiff's wrongful confinement. In particular, counsel failed to identify the authorities in Delaware County who sought to enforce what appears to have been an invalid warrant, holding him in custody there without making appropriate inquiries.

In a series of conference calls with counsel, the Court expressed concern about progress in this case, and following one such conference on May 12, 2017, ordered the City of Philadelphia to conduct a records inquiry that might advance investigation into Plaintiff's claim. The City complied. The Court also directed counsel for various Delaware County defendants to produce to Plaintiff any documents they had identified concerning his transport and incarceration. Counsel complied. On March 1, 2018, a hearing was held in open court on the record, and I expressed my continuing concern about the conduct of this case on the part of Plaintiff's counsel. Subsequently, I ordered the City of Philadelphia to produce for deposition the two officers it had identified as being involved with Plaintiff's request. The City did so, producing the one officer who had any memory of the event, and has in fact complied with every

request the Court has made in furtherance of an investigation into this case. Since that deposition was completed, no steps have been taken in pursuit of this case.

Having made multiple efforts to facilitate a resolution of this case on its merits, the Court ordered a rule to show cause why it should not be dismissed for failure to prosecute on November 20, 2018. No cause having been shown, and the Court having no confidence that counsel for Plaintiff can advance the prosecution of this case, I have entered an order of dismissal.

/s/ Gerald Austin McHugh
United States District Judge

12/20/18